

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PAULA F. SOTO,

Plaintiff,

v.

C.A. No. 13-10822-JGD

CITY OF CAMBRIDGE,

Defendant.

JOINT STATUS REPORT

Plaintiff Paula F. Soto (“Soto”) and Defendant City of Cambridge (the “City”), through counsel, respectfully submit this Joint Status Report pursuant to the Scheduling Order entered by the Court on April 16, 2014 by Magistrate Judge Dein.

I. Status of the Case.

The parties have begun written discovery with both sides having produced documents. Soto has also propounded requests for admissions and interrogatories to the City. Soto served a letter to the City on August 28, 2014, requesting that it address certain deficiencies in its responses to Soto’s Requests for Admission, Request for Production of Documents, and First Set of Interrogatories no later than September 3. The City disagrees with Soto’s characterization that its responses to Soto’s discovery responses are deficient. There are discovery disputes that the parties will work in good faith to resolve.

No depositions have been noticed. Soto intends to serve her Notices of Deposition the week of September 2, 2014. Soto has also filed an Assented-To Motion for Leave to Amend Complaint. Soto seeks to file a First Amended Complaint to explain in greater detail the

declaratory relief she is seeking and to include pertinent facts that occurred after the filing of the original Complaint.

The Cambridge City Council convened in May 2014 to discuss this lawsuit and Cambridge City Ordinance § 9.04.050, the Ordinance at issue. The Council referred the matter to the City Council Ordinance Committee to consider amendment. In June 2014, the City Council Ordinance Committee convened to discuss various options for the Ordinance, including repeal or amendment. The City Council is next scheduled to meet at its regular City Council Meeting on September 8, 2014. The matter has been placed on the table and is still under consideration.

II. Scheduling for the Remainder of the Case Through Trial.

The deadline to complete all discovery is currently set for October 13, 2014. However, the City believes that an additional ninety (90) days is required to complete discovery. The City anticipates serving interrogatories and requests for admissions once it has completed review of the nearly four thousand (4,000) pages of documents produced by the Plaintiff. The City also anticipates that it will depose the Plaintiff and the extension would be for the purpose of enabling the City to complete written discovery prior to taking the Plaintiff's deposition. As a result, the City suggests that all other deadlines as proposed by the parties in their March 26, 2014 Joint Statement should be similarly extended an additional ninety (90) days.

Soto does not agree that additional time is required to complete discovery. Soto timely produced her documents to the City and believes that the City has ample time to review and depose Soto—the only deposition the City has indicated that it will conduct—prior to October 13, 2014. However, in a spirit of cooperation, Soto will agree to a sixty (60) day extension to complete discovery.

The revised pretrial schedule reflecting the parties' respective extensions would be as follows:

Events	Current dates	Plaintiff's Proposed new dates with 60-day extension	Defendant's Proposed new dates with 90-day extension
Close of Fact Discovery	October 13, 2014 (Monday)	December 15, 2014 (Monday)	January 15, 2015 (Thursday)
Opening Expert Reports (for each party who has the initial burden of proof on a subject matter)	November 25, 2014 (Tuesday)	January 26, 2015 (Monday)	February 25, 2015 (Wednesday)
Rebuttal Expert Reports	January 13, 2015 (Tuesday)	March 16, 2015 (Monday)	April 15, 2015 (Wednesday)
Close of Expert Discovery	February 16, 2015 (Monday)	April 20, 2015 (Monday)	May 20, 2015 (Wednesday)
Summary Judgment Motions	April 30, 2015 (Thursday)	June 29, 2015 (Monday)	July 29, 2015 (Wednesday)
Responses to Summary Judgment Motions	May 28, 2015 (Thursday)	July 27, 2015 (Monday)	August 28, 2015 (Monday)
Replies to Summary Judgment Motions	June 15, 2015 (Monday)	August 17, 2015 (Monday)	September 17, 2015 (Thursday)
Settlement Conference	August 13, 2015 (Thursday)	October 12, 2015 (Monday)	November 12, 2015 (Thursday)
Daubert Motions	September 1, 2015 (Tuesday)	November 2, 2015 (Monday)	December 2, 2015 (Wednesday)
Responses to Daubert Motions	October 1, 2015 (Thursday)	December 1, 2015 (Tuesday)	January 4, 2016 (Monday)
Replies to Daubert Motions	October 15, 2015 (Thursday)	December 14, 2015 (Monday)	January 14, 2016
Final Pretrial Conference	November 2, 2015 (Monday)	January 4, 2016 (Monday)	February 5, 2016
Trial	December, 2015	January, 2016	February, 2016

III. The Use of Alternative Dispute Resolution.

The City submits that the use of Alternative Dispute Resolution is not appropriate because it would require legislative action by a duly elected public body. Soto is open to the use of Alternative Dispute Resolution or other methods of mediation to resolve this matter.

Respectfully submitted,

August 29, 2014

/s/ Julia M. Ong

Richard A. Johnston (BBO# 253420)
Kevin S. Prussia (BBO# 666813)
Thaila K. Sundaresan (BBO# 683616)
Julia M. Ong (BBO# 658014)
WILMER CUTLER PICKERING
HALE AND DORR, LLP
60 State Street
Boston, MA 02109
Telephone: 617-526-6000
Facsimile: 617-526-5000
richard.johnston@wilmerhale.com
kevin.prussia@wilmerhale.com
thaila.sundaresan@wilmerhale.com
julia.ong@wilmerhale.com

/s/ Samuel A. Aylesworth

Samuel A. Aylesworth (BBO #645057)
Asst. City Solicitor
Law Department – City Hall
795 Massachusetts Avenue
Cambridge, MA 02139
(617) 349-4121
saylesworth@cambridgema.gov

*Counsel for Defendant City of
Cambridge*

Of Counsel:

Matthew R. Segal (BBO# 654489)
AMERICAN CIVIL LIBERTIES UNION
OF MASSACHUSETTS
211 Congress Street, 3rd Floor
Boston, MA 02110
Telephone: 617-482-3170
Facsimile: 617-451-0009
msegal@aclum.org
Attorneys for Plaintiff Paula F. Soto

CERTIFICATE OF SERVICE

I, Samuel A. Aylesworth, hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 29th day of August, 2014.

/s/ Samuel A. Aylesworth
Samuel A. Aylesworth